

## **II. REMARKS**

### ***A. Summary of Amendments***

Claims 1 to 14, which were previously withdrawn, have now been cancelled from the present application without prejudice or disclaimer.

Claims 16 and 33 have been newly cancelled without prejudice or disclaimer.

The Applicant reserves the right to pursue protection for claims 1-14, 16 and 33 in one or more divisional applications to be filed at a later date.

Claims 15, 17-32 and 34-40 are currently pending.

Claims 15, 17 and 38 have been amended in order to better define the subject matter being claimed.

Claims 19, 20, 25 and 34 have been amended in order to correct minor inconsistencies.

The present patent application now comprises twenty four (24) claims. It is believed that no new matter has been added to the present application under the current amendment.

### ***B. Reply to the Election/Restriction requirement***

In the Office Action, the Examiner has indicated that restriction to one of the following inventions is required under 35 USC §121:

I – Claims 16 and 33-37 are directed to physical and structural systems for controlling speeds of a turbine engine powering “a rail vehicle” (classified in US class 701, subclasses 19-20)

II – Claims 15, 17-32 and 38-40 are directed to a physical and structural system for controlling speeds of a turbine engine having a primary electric load, not necessarily related to a rail vehicle (classified in US class 60, subclass 239)

In response, the Applicant elects the claims of Group I, namely claims 16 and 33-37.

Furthermore, the Applicant respectfully submits that claims 16 and 33 have been cancelled from the present application, and that independent claims 15, 17 and 38 have been amended such that they are now directed towards subject matter that can be classified within the same Group as claims 34-37.

More specifically, claims 15, 17 and 38 have been amended such that they relate to structural systems for controlling speeds of a turbine engine powering a rail vehicle. As such, all of claims 15, 17-32 and 34-40 are now believed to be directed towards subject matter that can be classified in the same classification; namely US class 701, subclasses 19-20, identified by the Examiner. Accordingly, it is believed that a search for all the claimed subject matter of claims 15, 17-32 and 34-40 would not pose an undue burden on the Examiner.

The Examiner further indicates that claims 27 and 28 are split into two different species, and that claims 38 and 40 are split into two different species. The Examiner indicates that an election is required for claims 27 & 28, and for claims 39 & 40.

In response, the Applicant elects claims 27 and 39. It is the Applicant's understanding that if parent claims 26 and 38 are deemed to be allowable, claims 28 and 40 will be rejoined to the present application.

### ***C. Reply to Rejections under 35 USC 112***

In the Office Action, the Examiner has rejected claim 15 under 35 USC § 112(2) because there is a lack of antecedent basis for "the power requirement".

The Applicant respectfully submits that claim 15 has been amended such that there is now sufficient antecedent support.

The Examiner has further rejected claims 16 and 33 under 35 USC § 112(2). In response, the Applicant respectfully submits that claims 16 and 33 have been cancelled from the present application without prejudice, thus rendering the Examiner's rejections to these claims moot.

The Examiner has further rejected claim 20 under 35 USC § 112(2) because there is a lack of antecedent basis for "the speed of the electric motor".

The Applicant respectfully submits that claim 20 has been amended such that there is now sufficient antecedent support.

The Examiner has further rejected claims 19, 25 and 34 under 35 USC § 112(2) because the statement "being capable to" does not limit the scope of a claim or claim limitation.

In response, the Applicant respectfully submits that claims 19, 25 and 34 have been amended such that the term "being capable to" now reads "operative for". It is respectfully submitted that this language places claims 19, 25 and 34 in compliance with 35 USC § 112(2).

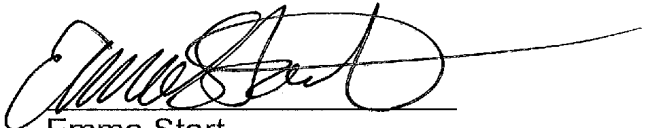
Finally, the Examiner has indicated that "system" claims 24, 26-32, 37 and 39-40 have unclear limitations, since a structural limitation to further limit the controller unit is not found in these claims. In response, the Applicant respectfully submits that 35 USC § 112(2) simply requires that the claims point out and distinctly claim the subject matter which the applicant regards as the invention. Nowhere is it required that a dependent claim requires a structural limitation as indicated by the Examiner. Accordingly, the Applicant respectfully submits that claims 24, 26-32, 37 and 39-40 are in compliance with 35 USC § 112(2), as they currently stand.

### III. CONCLUSION

In view of the above, reconsideration of the Examiner's rejections and allowance of pending claims 15, 17-32 and 34-40 are earnestly solicited. The Applicant looks forward to receiving the Notice of Allowance.

The Examiner is invited to call the Applicant's undersigned representative if any further amendment will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the present response. If the claims of the application are not believed to be in full condition for allowance, for any reason, Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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